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Approved for use through 7/31/2003. OMB 0651-0031

PTO/SB/31 (06-03)

NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number
33211.0009

I hereby certify that this correspondence is being
deposited with the United States Postal Service with
sufficient postage as first class mail in an envelope
addressed to the: Commissioner for Patents, P.O. Box
1450, Alexandria, Virginia 22313-1450

on May 27, 2004

Signature

Martin G. Linihan

Typed or

Printed Name Martin G. Linihan

In re Application of Caijun Shi et al.

Application Number 10/050,248

Filed January 16, 2002

For Low Shrinkage, High Strength Cellular Lightweight Concrete

Group Art Unit 1755

Examiner P.D. Marcantoni

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330.00

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the
fee shown above is reduced by half, and the resulting fee is:

\$ 165.00

- A check in the amount of the fee is enclosed.

- ☐ Payment by credit card. Form PTO-2038 is attached.

- ☐ The Director has already been authorized to charge fees in this application
to a Deposit Account. I have enclosed a duplicate copy of this sheet.

- The Director is hereby authorized to charge any fees which may be
required, or credit any overpayment to Deposit Account No. 08-2442.
I have enclosed a duplicate copy of this sheet.

- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not
be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

- ☐ applicant/inventor
- ☐ assignee of record of the entire interest.
(See 37 CFR 3.71. Statement under 37
CFR 3.73(b) is enclosed. (Form PTO/SB/96)

- attorney or agent of record.

Registration number _____

- ☐ attorney or agent acting under 37 CFR 1.34(a)

Registration number if acting under 37 CFR 1.34(a). _____

Martin G. Linihan

Signature

Martin G. Linihan

Typed or printed name

716-848-1367

Telephone Number

May 27, 2004

Date

NOTE: Signatures of all the inventors of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required.

- ☐ Total of _____ forms are submitted.

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165.00 OP

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for FY 2004

Effective 10/01/2003. Patent Fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

Application Number		10/050,248
Filing Date		January 16, 2002
First Named Inventor		Caijun Shi et al.
Examiner Name		P.D. Marcantoni
Group/Art Unit		1755
Attorney Docket Number		33211.0009
TOTAL AMOUNT OF PAYMENT		(\$165.00)

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)				
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None G Deposit Account: Deposit Account Number: <u>08-2442</u> Deposit Account Name: <u>Hodgeson Russ LLP</u> The Director is hereby authorized to (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge any fee deficiencies or credit any overpayments <input type="checkbox"/> Charge any additional fees during pendency of this application. <input type="checkbox"/> Charge fees indicated below, except for the filing fee to the above-identified deposit account				3. ADDITIONAL FEES				
				Large Entity		Small Entity		
				Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
				1051	130	2051	65	Surcharge - late filing fee or oath
				1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
				1053	130	1053	130	Non-English specification
				1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination
				1804	920*	1804	920*	Requesting Publication of SIR prior to Examiner Action
				1805	1,840*	1805	1,840*	Requesting Publication of SIR after Examiner Action
				1251	110	2251	55	Extension for reply within first month
				1252	420	2252	210	Extension for reply within second month
				1253	950	2253	475	Extension for reply within third month
				1254	1,480	2254	740	Extension for reply within fourth month
				1255	2,010	2255	1,005	Extension for reply within fifth month
FEE CALCULATION				1401	330	2401	165	Notice of Appeal
1. BASIC FILING FEE				1402	330	2402	165	Filing a brief in support of an appeal
Large Entity Small Entity				1403	290	2403	145	Request for oral hearing
Fee Fee Fee Fee Fee Description Fee Paid				1451	1,510	1451	1,510	Petition to institute a public use proceeding
1001 770 2001 385 Utility filing fee \$				1452	110	2452	55	Petition to revive - unavoidable
1002 340 2002 170 Design filing fee \$				1453	1,330	2453	665	Petition to revive - unintentional
1003 530 2003 265 Plant filing fee \$				1501	1,330	2501	665	10 advance copies
1004 770 2004 385 Reissue filing fee \$				1502	480	2502	240	Utility issue fee (or reissue)
1005 160 2005 80 Provisional filing fee \$				1503	640	2503	320	Design issue fee
SUBTOTAL (1) \$0				1460	130	1460	130	Petitions to the Commissioner
2. EXTRA CLAIM FEES FOR UTILITY/ REISSUE				1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
Extra Fee from				1806	180	1806	180	Submission of Information Disclosure Statement
Claims below				8021	40	8021	40	Recording each patent assignment per property (times number of properties)
Total Claims / / -20** = / / x / / = \$				1809	770	2809	385	Filing a submission after final rejection(37 CFR 1.129(a))
Independent Claims / / - 3** = / / x / / = \$				1810	770	2810	385	For each add'l invention to be examined(37 CFR 1.129(b))
Multiple dependent / / x / / = \$				1801	770	2801	385	Request For Continued Examination (RCE)
Large Entity Small Entity				1802	900	1802	900	Request for Expedited Examination of a design application
Fee Fee Fee Fee Fee Description Fee Paid				Other fee (specify) _____ \$				
1202 18 2202 9 Claims in excess of 20				*Reduced by basic filing fee paid				
1201 86 2201 43 Independent claims in excess of 3				SUBTOTAL (3) \$165				
1203 290 2203 145 Multiple dependent claim if not paid								
1204 86 2204 43 **Reissue independent claims over original patent								
1205 18 2205 9 **Reissue claims in excess of 20 and over original patent								
SUBTOTAL (2) \$0								
SUBMITTED BY:								
Martin G. Linihan Reg. No. 24,926								
SIGNATURE <i>Martin G. Linihan</i>								
DATE: May 27, 2004 Telephone: (716) 848-1367								

I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on May 27, 2004Martin G. Linihan
Name

Signature

May 27, 2004
Date of Signature

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